

100TH CONGRESS
2D SESSION

H.R. 4497

To implement the recommendations of the Interagency Committee and the Technical Study Group on Cigarette and Little Cigar Fire Safety, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 29, 1988

Mr. BOUCHEE (for himself, Mr. COOPEE, Mr. TAUZIN, Mr. BILLET, and Mr. CALLAHAN) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To implement the recommendations of the Interagency Committee and the Technical Study Group on Cigarette and Little Cigar Fire Safety, and for other purposes.

1 *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

3 SECTION 1. SHORT TITLE.

4 (a) SHORT TITLE.—This Act may be cited as the "Fire
5 Safe Cigarette Implementation Act of 1988".

6 (b) FINDINGS.—The Congress finds that—

7 (1) the Interagency Committee and the Technical
8 Study Group on Cigarette and Little Cigar Fire Safety
9 have submitted reports to the Congress, as required by

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1 the Cigarette Safety Act of 1984, on the technical and
2 commercial feasibility, economic impact, and other con-
3 sequences of developing cigarettes and little cigars
4 having a minimum propensity to ignite upholstered fur-
5 niture and mattresses,

6 (2) those reports indicate that the Technical Study
7 Group, during the period specified by the Congress,
8 made substantial progress in its work and urge that the
9 Federal effort with respect to cigarette and little cigar
10 fire safety be continued in certain specified areas, and

11 (3) there is a need for Federal legislation to com-
12 plete the work mandated by the Cigarette Safety Act
13 of 1984, implement the recommendations of the Tech-
14 nical Study Group, and address other issues.

15 SEC. 2. INTERAGENCY COMMITTEE AND IMPLEMENTATION
16 TASK FORCE.

17 (a) INTERAGENCY COMMITTEE.—The Interagency
18 Committee on Cigarette and Little Cigar Fire Safety (herein-
19 after referred to as the "Interagency Committee"), created
20 by the Cigarette Safety Act of 1984, is reestablished for the
21 purpose of overseeing and reviewing the work of the Imple-
22 mentation Task Force (hereinafter referred to as the "Task
23 Force") established under subsection (b). The Interagency
24 Committee may request the head of any Federal department
25 or agency to assist the Interagency Committee or the Task

1 Force, or both, in carrying out their responsibilities. The
2 Interagency Committee also may retain or contract with such
3 consultants as may be deemed necessary without regard to
4 section 3709 of the Revised Statutes of the United States (41
5 U.S.C. 5) and the Act of June 10, 1936 (known as the
6 Walsh-Healey Act) (41 U.S.C. 35-45). The authority of the
7 Interagency Committee to enter into contracts shall be effec-
8 tive for any fiscal year only to such extent or in such amounts
9 as are provided in advance by appropriation Acts.

10 (b) **IMPLEMENTATION TASK FORCE.**—There is estab-
11 lished an Implementation Task Force which shall consist
12 of—

13 (1) 2 scientists having expertise in the develop-
14 ment of a valid and reliable method for testing the ig-
15 nition propensity of cigarettes and little cigars, one of
16 whom shall be appointed by the Chairman of the Con-
17 sumer Product Safety Commission from among the em-
18 ployees of the Commission and the other of whom shall
19 be appointed by the Director of the Center for Fire
20 Research of the National Bureau of Standards from
21 among the employees of the National Bureau of
22 Standards,

23 (2) 2 scientists having expertise concerning the
24 possible consequences for smokers of any cigarette or
25 little cigar modification, one of whom shall be appoint-

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1 ed by the Director of the National Institutes of Health
2 from among the employees of the National Institutes of
3 Health and the other of whom shall be appointed by
4 the Chairman of the Interagency Committee, with the
5 advice and consent of the Interagency Committee,
6 from a list of individuals submitted by the American
7 Health Foundation,

8 (3) 2 scientists having expertise in the chemistry
9 and physics of combustion to be appointed by the
10 Chairman of the Interagency Committee, with the
11 advice and consent of the Interagency Committee,
12 from lists of individuals submitted by the International
13 Association of Fire Chiefs and the International Asso-
14 ciation of Fire Fighters,

15 (4) 2 scientists having expertise in the content and
16 characteristics of soft furnishings and fabrics to be ap-
17 pointed by the Chairman of the Interagency Commit-
18 tee, with the advice and consent of the Interagency
19 Committee, from lists of individuals submitted by the
20 American Furniture Manufacturers Association and the
21 Business and Institutional Furniture Manufacturers
22 Association, and

23 (5) 5 scientists having expertise in the manufac-
24 ture and design of cigarettes and little cigars to be ap-
25 pointed by the Chairman of the Interagency Commit-

1 tee, with the advice and consent of the Interagency
2 Committee, from a list of individuals submitted by The
3 Tobacco Institute.

4 The persons appointed to serve on the Task Force may des-
5 ignate, with the advice and consent of the Interagency Com-
6 mittee, from among their number such persons to serve as
7 team leaders, coordinators, or chairpersons as they deem nec-
8 essary or appropriate to carry out the Task Force's functions
9 under section 3.

10 **SEC. 3. RESPONSIBILITIES, REPORTING.**

11 (a) **TASK FORCE RESPONSIBILITIES.**—The Task
12 Force, subject to oversight and review by the Interagency
13 Committee, shall continue the work specified by the Ciga-
14 rette Safety Act of 1984, including implementing the recom-
15 mendations contained in the final report of the Technical
16 Study Group on Cigarette and Little Cigar Fire Safety. Such
17 activities shall include—

18 (1) developing a validated test method to deter-
19 mine the ignition propensity of cigarettes and little
20 cigars when in contact with upholstered furniture or
21 mattresses,

22 (2) developing representative performance data for
23 current market cigarettes, using the validated test
24 method described in paragraph (1), to serve as a base-
25 line to compare future cigarette performance,

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(3) continuing laboratory studies on, and computer modeling of, ignition physics relating to cigarettes, little cigars, soft furnishings, and fabrics,

4 (4) designing and implementing a study or studies
5 to collect baseline and follow-up data about the charac-
6 teristics of cigarettes and little cigars, products ignited,
7 and smokers involved in cigarette and little cigar fires,

(5) developing systematic knowledge (from existing or new sources as appropriate) on changes in the composition of smoke of modified cigarettes and little cigars and societal costs of injuries stemming from fires involving cigarettes or little cigars, and

(6) assessing the commercial feasibility and economic impact of manufacturing and marketing cigarettes and little cigars with reduced ignition propensity.

16 (b) HEARINGS.—For purposes of carrying out the func-
17 tions described in subsection (a), the Interagency Committee
18 and the Task Force may hold such hearings, sit and act at
19 such times and places, take such testimony, and receive such
20 evidence as the Interagency Committee or the Task Force
21 deems appropriate.

(c) CONFIDENTIALITY.—

23 (1) Any information provided to the Interagency
24 Committee or to the Task Force under subsection (a)
25 that is designated as trade secret or confidential infor-

1 mation shall be treated as trade secret or confidential
2 information subject to section 552(b)(4) of title 5,
3 United States Code, and shall not be revealed except
4 as provided by paragraph (2). No member of the Inter-
5 agency Committee or Task Force, and no person as-
6 signed to or consulting with such entities, shall disclose
7 any such information to any person who is not a
8 member of, assigned to, or consulting with the Inter-
9 agency Committee or Task Force unless the person
10 submitting such information specifically and in writing
11 authorizes such disclosure.

12 (2) Paragraph (1) does not authorize the withhold-
13 ing of any information from any duly authorized com-
14 mittee or subcommittee of the Congress, except that if
15 a committee or subcommittee of the Congress requests
16 access to confidential information that has been submit-
17 ted to the Interagency Committee or the Task Force,
18 the Chairman of the Interagency Committee shall
19 promptly notify the person who provided the informa-
20 tion of the request and shall not disclose the informa-
21 tion until ten days have elapsed from such person's re-
22 ceipt of written notice that the information is to be
23 disclosed.

24 (3) The Interagency Committee shall adopt, on a
25 vote of a majority of its members, reasonable proce-

1 d ures to protect the confidentiality of trade secret and
2 confidential information as defined in this subsection
3 and shall be responsible for ensuring that the Task
4 Force follows such procedures in its handling of trade
5 secret and confidential information.

6 **SEC. 4. DEFINITIONS.**

7 As used in this Act, the terms "cigarettes" and "little
8 cigars" shall have the meanings given such terms by section
9 3 of the Federal Cigarette Labeling and Advertising Act.

10 **SEC. 5. REPORTS, TERMINATION.**

11 The Interagency Committee shall submit to the Con-
12 gress 18 months after the date of enactment and funding of
13 this Act a report prepared by the Task Force describing the
14 Task Force's progress in carrying out the work described in
15 section 3. The Interagency Committee shall submit to the
16 Congress no later than 18 months thereafter a final study
17 report prepared by the Task Force. The Interagency Com-
18 mittee shall provide to the Congress, within 60 days after the
19 submission by the Interagency Committee of the Task
20 Force's final report, any policy recommendations the Inter-
21 agency Committee may deem appropriate. The Interagency
22 Committee and Task Force shall terminate one month after
23 the submission of such policy recommendations.